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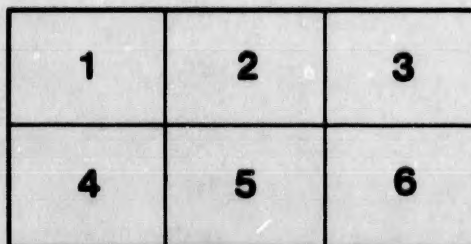
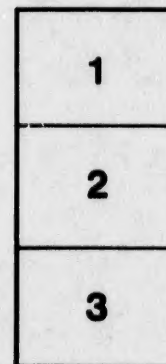
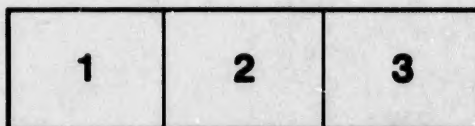
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## San Juan Island.—Claims of Canada for losses and damages sustained by Her Majesty's subjects, in repelling Fenian Invasion.—Protection of the Fisheries.

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*Laid before Parliament by Command of His Excellency the Governor General*

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### MESSAGE.

JOHN YOUNG.

The Governor General transmits for the information of the House of Commons, a Report made by the Canadian Delegates to London, of a correspondence had by them with Her Majesty's Secretary of State for the Colonies on the following subjects:

- 1st. On the subject of the Island of San Juan.
- 2nd. Respecting the losses sustained by the Canadian Government and people in repelling the attacks of the so-called Fenians.
- 3rd. The Protection of the Fisheries.

GOVERNMENT HOUSE,  
Ottawa, 11th June, 1869.

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*Copy of a Report of a Committee of the Honorable the Privy Council, appointed by His Excellency the Governor General in Council on the 11th June, 1869.*

The Committee have had under consideration the accompanying Reports from the Hon. Sir George Et. Cartier, Bart., and the Hon. Wm. MacDougall, C. B., of communications they deemed it their duty to address, whilst in England, to H. M. Secretary of State for the Colonies, on the following subjects:

- 1st. Respecting the deep interest which the Canadian people have presently and prospectively in the settlement of the question involving the Title to the Island of San Juan, in the Gulf of Georgia.
- 2nd. On the subject of the claims which the Government and people of Canada have on the United States for the large outlay and the loss of life and property occasioned by the invasion of their soil by the so-called "Fenians;" and
- 3rd. The necessity of adopting more efficient measures for the protection of H. M. subjects engaged in the Fisheries.

The Committee desire to express their entire concurrence in the views and statements set forth by the Delegates in the several letters addressed by them to Earl Granville on the above important subjects, and recommend that the said Reports and Correspondence be laid before Parliament by Message from Your Excellency.

Certified,

WM. H. LEE,

Clerk, Privy Council.

## SAN JUAN ISLAND.

### REPORT.

*To His Excellency the Right Honorable Sir John Young, Baronet, G. C. B.,  
G. C. M. G., Governor General of Canada, &c., &c., &c.*

IN COUNCIL.

We the undersigned beg respectfully to submit for your Excellency's information, copy of a letter which during our recent mission to London, we deemed it our duty to address to the Right Honorable the Secretary of State for the Colonies, on the subject of the Island of San Juan and of Lord Granville's reply thereto.

Having been informed that a determination had been arrived at between Her Majesty's Government and the Government of the United States to adopt steps to bring this long pending question to a speedy and final settlement, we conceived it to be our duty on behalf of the Government of Canada, to urge upon the consideration of Earl Granville, how deeply the Government of Canada was interested presently and prospectively in the settlement of the boundary question involving the title to the Island of San Juan,

Our letter of the 30th December, herewith submitted will sufficiently explain the reasons of our addressing the Secretary of State on this subject, and Lord Granville's reply together with a subsequent communication from his Lordship of the 16th March last, also hereunto appended will exhibit the present position of that question.

All which is respectfully submitted.

GEO. ET. CARTIER,  
WM. McDOUGALL.

Ottawa, 18th day of May, 1869.

WESTMINSTER PALACE HOTEL,  
LONDON, 29th December, 1868.

MY LORD,

In connection with the conversation we had the honor to have with your Lordship a few days since on the subject of the Island of *San Juan*, we now beg in accordance with the suggestion of Your Lordship to submit our observations on that subject in the form of a written communication and in our character of representatives of the Canadian Government.

Your Lordship is aware that the 146th Section of the "British North America Act 1867," makes provision for the admission into the Dominion of Canada, of Newfoundland, Prince Edward Island, and British Columbia, and also of Ruperts Land and the North Western Territory. We are happy to inform your Lordship that a large majority of the people of British Columbia appear to be anxious for an immediate union with Canada. With the assent of the Imperial Government that union may soon be accomplished and therefore the Dominion of Canada, has presently and prospectively a deep interest in the settlement of the boundary question involving the title to the Island of San Juan in the Gulf of Georgia.

We notice that the President of the United States, in his last Message, announces that the title to that Island is one of the three questions now pending for settlement between Her Majesty's Government and the Government of the United States.



We avail ourselves of the present opportunity to represent to your Lordship, that, in our humble opinion, it is of vital importance to British Columbia, and, prospectively, to all British North America, that an Island which commands the passage by sea to the principal cities, ports and harbours of Her Majesty's possessions on the Pacific Coast, should not be surrendered to a Foreign power.

We think it is clear that the Treaty of 1846, which establishes the boundary "through the channel which separates the Continent from Vancouver Island," intended, by these words, the channel nearest the Continent, the only one then generally known and used by Navigators. It is the first Channel, and, therefore, pre-eminently the one which "separates" the continent from Vancouver Island.

The American Government, by contending for the third channel, or that which is farthest from the Continent (the very existence of which appears to have been unknown to the British Commissioners), show to the world, that their object is, not to secure possession of a few rocky islets in the Gulf, of no commercial or agricultural value, but of the important military position of *San Juan*, where they may build a fortress that would lock up the Straits of Fuca and overawe British Columbia, as effectually as Fort Montgomery, built on Canadian territory which was surrendered to the United States by the Treaty of 1842, now looks up Lake Champlain and threatens, by its proximity and its magnitude, the Chief City of the new Dominion.

Our experience of past diplomacy in the settlement of boundaries in North America, in which the disposition on the one side to concede, and on the other to encroach, was always present and always resulted disastrously to Canada, admonishes us, that a similar disposition and similar results may be feared in the future. A territorial compromise in British Columbia, may be deemed, by some, of little moment in the settlement of the other questions now pending between the two Governments, but we respectfully submit, that every resource of diplomacy, and every argument derived from the practice and policy of coterminous nations, from the geographical position and maritime requirements of the respective countries in the Gulf, as well as from the language of the Treaty, should be exhausted before a strategic position is given up, which future generations of loyal subjects may have occasion to regret as bitterly, and as unavailingly, as the people of New Brunswick, Quebec, and all Canada, now regret the unfortunate concessions of the Ashburton treaty.

We crave your Lordship's pardon if we have pressed our views too strongly, on what may be thought, rather an Imperial, than a Canadian question. We do not doubt that the importance of the issue is already sufficiently impressed upon Your Lordship's mind, but we cannot help feeling, when we look at the Map of Canada, and observe that on our Eastern frontier, the State of Maine, by a recent treaty has been thrust like a wedge between the Provinces of Quebec and New Brunswick, intercepting direct communication, and covering some 8,000,000 of acres, previously regarded as British territory and occupied by thousands of British Subjects; and that on the West, through ignorance of the natural features of the Country in 1773, and under a spirit of concession in 1818, a vast territory was surrendered, and the boundary carried so far north, that communication between Canada, and the Great Valleys and Plains of the North Western territory, is through a region of Lakes and Mountains, instead of a level plain,—we say, we cannot help feeling, when we recal these unhappy, and as we now find, costly blunders of the past, that we are only discharging a solemn duty when we add our earnest warning to the arguments Your Lordship, as Secretary of State for the Colonies, will use, to prevent a similar, and in some respects, a worse blunder, in reference to our position on the Pacific Coast.

We have the honor to be,

Your Lordship's

Obedient servants,

GEO. ET. CARTIER.  
WM. McDOUGALL.

The Right Honourable  
Earl Granville,  
Principal Secretary of State  
of H. M. for the Colonies, London.

DOWNING STREET,

4th February, 1869.

SIR,

I am directed by Earl Granville to inform you that he has been in communication with the Earl of Clarendon on the subject referred to in your letter of the 30th December (signed by yourself and Mr. McDougall) and that his Lordship has been informed that the question respecting the proper interpretation of the Treaty of 1846, between this Country and the United States in its application to the Island of San Juan has long been in discussion between the two Governments, and that Lord Clarendon trusts that an arrangement into which he has entered with the United States Minister in this Country will ensure the matter being at an early period referred to the arbitration of a friendly State.

I am, Sir,  
Your obedient servant,

W. MONSELL.

DOWNING STREET,  
16th March, 1869.

SIR,

With reference to my letter of the 4th February, I am directed by Earl Granville to inform you that he has ascertained from Lord Clarendon, that Mr. Sumner has been authorized by the Committee of the United States Senate on Foreign relations to make a Report on the San Juan Convention, and to recommend that they should sanction its ratification by the President.

Her Majesty's Minister at Washington, is of opinion that there is no reason why the Report should not be taken into consideration by the Senate during the present session.

I am, &c.,

W. MONSELL.

Sir G. E. Cartier, Bart.

## CLAIMS OF CANADA

FOR LOSSES AND DAMAGES SUSTAINED BY HER MAJESTY'S SUBJECTS, IN REPELLING  
FENIAN INVASION.

### REPORT.

*To His Excellency the Right Honorable Sir JOHN YOUNG, Baronet,  
G. O. B. G. O. M. G., Governor General of Canada, &c., &c.,*

IN COUNCIL.

The undersigned beg respectfully to submit for your Excellency's information, that during their recent mission to England it came to their knowledge that negotiations had been going on between the Secretary of State for Foreign affairs and the United States Minister in London, with regard to the settlement of alleged claims of citizens of that Republic, arising out of the circumstances under which the "Alabama" was allowed to sail from the shores of England, and that it was intended to refer them for investigation and adjustment to a tribunal or to commissioners, to be agreed upon between the Governments of the two countries. They deemed it their duty to represent on behalf of the Government of Canada to the Right Honorable the Secretary of State for the Colonies, Earl Granville, that the Dominion of Canada, and the Provinces comprised in it had expended several millions of dollars in resisting attacks of the so called Fenians, for the most part citizens of the United States, who, since the beginning of 1866 were, in violation of the laws of United States, and of the laws of nations, allowed to organize and maintain themselves publicly and openly as a military force in that country, with the declared object of invading the Provinces comprised in the Dominion.

That such invasion did take place, and that several of Her Majesty's subjects lost their lives in repelling their murderous attacks, and a large amount of property was destroyed, and heavy losses and damages were sustained by several of Her Majesty's subjects.

That should any such tribunal or commission be constituted for investigation of the claims of the United States arising out of the depredations of the "Alabama," they requested that an opportunity should be afforded to the Government of Canada, and to all parties who had suffered loss owing to the invasion of our soil by the so called Fenians, to state their claims, and adduce evidence in support of them.

Copy of this communication, together with His Lordship's reply, are respectfully submitted for your Excellency's consideration.

All of which is respectfully submitted.

GEO. ET. CARTIER.  
WM. McDOUGALL.

OTTAWA, 20th day of May, 1869.

WESTMINSTER PALACE HOTEL,  
LONDON, 28th December, 1868.

MY LORD :—Referring to the conversation we had the honor to hold with your Lordship on the subject of the late Fenian invasion of Canada, we beg that you will allow us on behalf of the Government of Canada, to address your Lordship on that subject which is of the utmost interest to the Dominion.

It is publicly announced that the claims of certain citizens of the United States of America, arising out of the circumstances under which the "Alabama" was allowed to sail from the shores of England, will be referred shortly for investigation and adjustment to a tribunal or to commissioners to be agreed upon between the Governments of the two countries. We beg leave to represent to your Lordship that the circumstances under which the so called "Fenians," for the most part citizens of the United States, have been allowed since the beginning of the year 1866, by the Government of the United States to organize and maintain themselves publicly and openly as a military force in the territory of the United States, with



the declared object of attacking and invading the Provinces comprised in the Dominion of Canada for the purpose as avowed by themselves of waging war against Her Majesty, and also the circumstances under which the "Fenians" have been allowed by the United States Government to attack and invade from the territory of the United States, the territory of Her Majesty in British North America, constitute a violation of the laws of the United States and of the law of nations.

We avail ourselves of this opportunity to state that the Dominion of Canada, and the Provinces comprised in it, have had to expend several millions of dollars in making the necessary preparations to resist the murderous attacks of the "Fenians," and in expelling them from those portions of Her Majesty's territory which they had actually invaded; that several of Her Majesty's subjects lost their lives, a large amount of property was destroyed, and heavy losses and damages were sustained directly or indirectly by a great number of Her Majesty's subjects, in consequence of these attacks and invasions of the so called "Fenians."

We therefore respectfully beg, that if the claims of the Government of the United States of America and of the citizens of that Republic should be referred for investigation and adjustment, to some tribunal, authority and instructions be given to that tribunal to consider, investigate, and adjust the claims of the Dominion of Canada, of the several Provinces comprised in it, and of any subject of Her Majesty, arising out of the unlawful proceedings of the Fenian organization.

We further beg that opportunity be afforded hereafter to the Government of Canada, and to all parties who may have sustained losses to state respectively the particulars of their claims, and to adduce evidence in support of them.

We have the honor, my Lord, of subscribing ourselves,

Your Lordship's most obedient and

Very humble servants,

GEO. ET. CARTIER.

WM. McDUGALL.

DOWNING STREET,

8th January, 1869.

GENTLEMEN,—I am directed by Earl Granville to acquaint you that he referred for the consideration of the Secretary of State for Foreign Affairs, a copy of your letter of the 28th ultimo, respecting the claims of the Canadian Government on the United States, arising out of the unlawful proceedings of the Fenian organization in that country, and I am desired to state that Lord Clarendon has informed his Lordship in reply, that if a mixed commission is constituted for the settlement of British and American claims due notice will be given, so that all parties may present claims.

I am, Gentlemen,

Your most obedient servant,

FREDERIC ROGERS.

Sir G. E. Cartier, Bart,  
and

W. McDougall, Esq., C. B. }



## PROTECTION OF THE FISHERIES.

### REPORT.

*To His Excellency, the Right Honorable Sir JOHN YOUNG, G. C. B.,  
G. C. M. G., Governor General of Canada, &c., &c., &c.,*

IN COUNCIL.

The undersigned availed themselves of their presence in England, to bring under the notice of Her Majesty's Government the necessity of adopting more efficient measures for the protection of Her Majesty's subjects engaged in the fisheries.

They accordingly addressed a communication on the subject to the Right Honorable the Secretary of State for the Colonies, under date of 23rd March, 1869, copy of which is herewith submitted, to which no answer was received during their stay in England.

Since their return, however, they have the satisfaction of learning that a despatch favorable to the views expressed in their letter, has been received by your Excellency from Earl Granville.

Respectfully submitted,

GEO. ET. CARTIER.  
WM. McDUGALL.

OTTAWA, 20th May, 1869.

WESTMINSTER PALACE HOTEL,  
23rd March, 1869.

SIR,—Adverting to the question of licenses authorized to be granted by the Governor General of Canada to foreign vessels for fishing in British waters within three marine miles of any of the coasts, bays, creeks or harbours whatever in Canada, which was lately brought before you in a personal conference, we beg to refer, for the information of the Right Honorable Earl Granville, Secretary of State for the Colonies, to the Act respecting "Fishing by Foreign Vessels," 31 Vic. cap. 61, of the first session of the Parliament of Canada.

You will observe that the first section of that Act provides for the granting by the Governor of Licenses to foreign vessels to fish in British waters within the three marine miles above alluded to, and that the subsequent sections prescribe the penalties, seizures and proceedings necessary to enforce the execution of the Act against foreign vessels fishing without license, in order to give protection to Her Majesty's subjects engaged in the fisheries.

We take this opportunity to state to you that last year licenses were authorised to be granted by the Governor General to foreign vessels within the limits above mentioned, at a rate sanctioned by the Imperial Government. Last year a large number of foreign vessels forced themselves into British waters for the purpose of fishing without having the required license and authority so to do. That these foreign fishing vessels have caused great loss and annoyance to Her Majesty's subjects engaged in these fisheries, and that the experience of last year proved that the license system cannot be properly enforced, unless the vessels in the service of the Government of Canada, and employed in the service of protecting the fisheries, are aided and assisted by Her Majesty's navy.

We beg therefore that the Right Honorable the Secretary of State for the Colonies may be induced to bring before the First Lord of the Admiralty, for his consideration, the important question of the protection of the fisheries, and may also be induced to move His Lordship for the issuing of such instructions to the Commander of the North American and

West India Naval Station as may be deemed proper, in order that Her Majesty's navy should aid and assist during this year the vessels in the service of the Government of Canada in the protection of the fisheries, and in the enforcement of the provisions of the Act above referred to.

We have the honor to be,

Sir,

Your obedient servants,

Sir Frederic Rogers, Bart.

GEO. ET. CARTIER.  
WM. McDOUGALL.